



Attorney's Docket No.: 25885703

#7
YC
8.28.02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)
Wu, et al.) Group Art Unit: 1616
Application No.: 10/026,361) Examiner: Pryor, A.
Filed: December 21, 2001)
For: WATER MISCIBLE PESTICIDE CON-)
TAINING A SYNERGISTIC COCKTAIL)
OF PLANT ALKALOIDS)

RECEIVED
TECH CENTER 1600/2000
AUG 20 2002

RESPONSE UNDER 37 C.F.R. §1.111

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This is in response to the Examiner's Office Action mailed July 30, 2002. Applicants submit herewith a Terminal Disclaimer over U.S. Patent No: 6,372,239. Reconsideration is respectfully requested in view of the following remarks.

REMARKS

Claims 1-56 stand rejected under the judicially created doctrine of obviousness-type of double patenting over U.S. Patent No: 6,373,239. Pursuant to 37 C.F.R. §1.321, Applicants submit a Terminal Disclaimer over U.S. Patent No: 6,372,239 to overcome the Examiner's rejection. Withdrawal of the rejection and allowance of claims 1-56 are respectfully requested.

CONCLUSION

In light of the arguments set forth above, Applicants earnestly believe that they are entitled to a letters patent, and respectfully solicit the Examiner to expedite prosecution of this patent application to issuance. Should the Examiner have any questions, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,

Date: Aug. 13. 2002

By:


Shirley Chen, Ph.D.
Registration No. 44,608

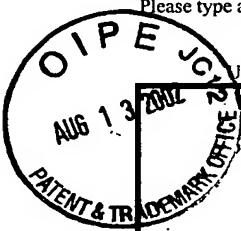
WILSON SONSINI GOODRICH & ROSATI
650 Page Mill Road
Palo Alto, CA 94304-1505
Direct line: (650) 565-3856
Customer Number: 021971

Please type a plus sign (+) inside this box → +

1616 / *[Signature]*
TE PTO/SB/16-99
Approved for use through 09/30/2000 OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

3

Application Number

10/026,361

Filing Date

December 21, 2001

First Named Inventor

Chang-An Wu

Group/Art Unit

1616

Examiner Name

A. Pryor

Attorney Docket Number

25885-703

ENCLOSURES (check all that apply)

Fee Transmittal Form
 Fee Attached
 Amendment / Response
 After Final
 Version with Markings Showing Changes
 Affidavits/declaration(s)
 Extension of Time Request
 Information Disclosure Statement
 Certified Copy of Priority Document(s)
 Response to Missing Parts/ Incomplete Application
 Response to Missing Parts under 37 CFR 1.52 or 1.53

Assignment Papers
(for an Application)
 Drawing(s)
 Licensing-related Papers
 Petition Routing Slip (PTO/SB/69) and Accompanying Petition
 Petition to Convert to a Provisional Application
 Power of Attorney, Revocation Change of Correspondence Address
 Terminal Disclaimer
 Small Entity Statement
 Request for Refund

After Allowance Communication to Group
 Appeal Communication to Board of Appeals and Interferences
 Appeal Communication to Group
(Appeal Notice, Brief, Reply Brief)
 Proprietary Information
 Status Letter
 Additional Enclosure(s)
(please identify below):

Remarks

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual name	Shirley Chen, Reg. No. 44,608, WILSON SONSINI GOODRICH & ROSATI		
Signature			
Date	August 13, 2002	Customer Number:	021971

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: Commissioner for Patents, Washington, D.C. 20231, on this date: August 13, 2002

Express Mail Label EL 778600426 US

Typed or printed name	Donna L. Hengst		
Signature		Date	August 13, 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.